

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

| | | |
|---------------------------|---|---------------------------|
| United States of America, |) | CRIMINAL NO. 3:07-776-CMC |
| |) | |
| v. |) | OPINION and ORDER |
| |) | |
| Kenneth Myrick Powers, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

This matter is before the court on Defendant’s motion “to grant a certificate of appealability or the ability to file a[] successive” motion for relief under 28 U.S.C. § 2255 based upon the Supreme Court’s recent decision in *Alleyne v. United States*, 570 U.S. ___, 133 S. Ct. 2151 (2013). ECF No. 104.

Before filing a second or successive motion for relief pursuant to § 2255, Defendant must obtain certification by a panel of the Fourth Circuit Court of Appeals allowing him to file such a motion in this court. As provided in 28 U.S.C. § 2244, “[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A).

This court has no authority to grant Defendant’s motion. Accordingly, it dismissed as this court is without jurisdiction to entertain it.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
September 3, 2013